THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.22447 of 2006

03.11.2006

Between:

Vanamu Eswara Rao, S/o.Late Appalanaidu
And others

… Petitioners

AND

The Chief Secretary, Government of Andhra Pradesh,
Secretariat, Hyderabad
And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.22447 of 2006

ORDER:

The three petitioners filed the instant writ petition seeking a writ of Mandamus declaring the action of the respondents in encroaching into the petitioners' land admeasuring Acs.0.67 in survey No.60/10 situated at Thungram Village of Gajuvaka Mandal in Visakhapatnam District (hereafter called, the subject land).

The petitioners allegedly purchased the subject land from Veerothu Kanamakka and others under a registered agreement of sale-cum-General Power of Attorney dated 11.8.2006 after obtaining clearance from the Department of Revenue as well as the authorities under Urban Land (Ceiling and Regulation) Act, 1976 (ULC Act, for brevity). It is the case of the petitioners that the land in various survey numbers adjoining the petitioners' land was acquired for Visakhapatnam Steel Plant under Award No.9 of 1981 dated 25.4.1981, but the land purchased by the petitioners in survey No.60/10 was not acquired. The land which was acquired by Steel Plant was later transferred to Andhra Pradesh Industrial Infrastructure Corporation Limited (APIIC), which again retransferred to Revenue Department for rehabilitation of residents of Chukkavanipalem Village. However, the fourth respondent encroached upon the petitioners' land in survey No.60/10 and was trying to construct houses, aggrieved by

which the petitioners are before this Court.

Learned Counsel for the petitioners placed strong reliance on the letter dated 02.8.2006 addressed by the MRO to the Sub-Collector, Gajuwaka, clarifying that the land in survey No.60/10 was not acquired for steel plant or allotted to APIIC. He also placed reliance on the letter dated 06.9.2006 addressed fourth respondent to the second respondent to that effect. Basing on these letters, it is contended that if the respondents encroached upon the petitioners' land for construction of houses, the same would be illegal and violative of Article 300-A of Constitution of India. **Per contra**, learned Standing Counsel for A.P. Housing Board submits that Revenue Department handed over land admeasuring Acs.30.15 in survey Nos.51/P, 52/P, 53, 54/P, 55/P, 81/P, 82/P, 84/P and 88/P and the layout was prepared for the said survey numbers. He also submits that the land in survey No.60/10 admeasuring Acs.0.67 was not handed over to A.P. Housing Board and the same is not shown in the layout. He invites the attention of this Court to letter No.3859/HD/EE(H)-VSP/2003, dated 06.9.2006, addressed by the fourth respondent to second respondent.

In the letter relied on by the learned Standing Counsel for A.P. Housing Board which *inter alia* contains the following.

> With reference to the above cited, it is submitted that the land to an extent of Acs.30.15 cents covered in Sy.No.51/P, 52/P, 53, 54/P, 55/P, 81/P, 82/P, 84/P and 88/P was taken over from the Revenue Authorities in two spells i.e., Acs.16.95 cents on 27.5.2005 and ACs.13.20 cents on 29.5.2005. The necessary layout for the entire land was got approved by Mandal Revenue Officer, Gajuwada from Municipal Authorities, Gajuwada and furnished a copy to proceed with the work (copy enclosed). The division of plots are also clearly shown in the layout without leaving any place and accordingly the marking was given as per the approved layout and taken up the work and is nearing completion. At this juncture one person has approached to field staff at site and stated that his land to an extent of Acs.0.67 cents covered in survey No.60/10 is in the layout approved for Rehabilitation of the Chukkavanipalem Village at Tungram and requested to handing over of its possession in response to that the layout has been verified with reference to the above mentioned survey number and it is found that the survey No.60/10 was not handed over to A.P. Housing Board and not shown in the layout. The entire extent handed over is shown in the sketch as one block (copy enclosed) without leaving

any land covered by the alleged survey No.60/10 and layout was got approved by the Mandal Revenue Officer, Gajuwada from Municipal authorities.

In the above letter of the fourth respondent to second respondent, the land purchased by the petitioners in survey No.60/10 does not form part of the layout, which was prepared by A.P. Housing Board for the land which they took from the Revenue Department.

The writ petition is misconceived and is accordingly dismissed. No costs.

November 03, 2006 (**V.V.S.RAO,J**)
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